

Agenda
Language Access Committee Meeting
 September 17, 2021
 12:00 – 2:00 p.m.

Administrative Office of the Courts
 Scott M. Matheson Courthouse
 450 South State Street
Via Videoconference

12:00	Welcome, Introduction of New Members, and Approval of Minutes	Discussion/ Action	Tab 1	Judge Leavitt
12:10	Contract Interpreter Rate Increase- UPDATE	Discussion	Tab 2	Kara Mann
12:20	Proposed Mentoring Program	Discussion/ Action	Tab 3	Kara Mann
1:00	Proposed Provisional Interpreters	Discussion/ Action	Tab 4	Kara Mann
1:40	2022 Interpreter Training & Testing with the COVID Pandemic • Subcommittee Request	Discussion/ Action		Kara Mann
2:00	Adjourn			Judge Leavitt

2021 Meeting Schedule

- November 19, 2021

Tab 1

Language Access Committee
Videoconference Webex

July 9, 2021

Draft

Members Present

Evangelina Burrows
Rory Jones
Judge Michael Leavitt- Chair
Chip Royce
Judge Kelly Schaeffer-Bullock
Judge Michael Westfall

Members Excused

Russ Pearson
Yadira Call

Staff

Kara Mann

(1) Welcome

Judge Michael Leavitt welcomed committee members to the meeting, and addressed the May 21, 2021 minutes. Rory Jones moved to approve the minutes with one minor correction. Evangelina Burrows seconded the motion. The motion carried unanimously.

(2) Reopening Strain on Court Interpreters

Kara Mann reminded the committee that at the last meeting she was tasked with finding out estimates on the need for court interpreters for the backlog created by COVID-19. Ms. Mann shared the backlog data for district courts, juvenile courts, and justice courts. Ms. Mann asked if in light of this new information if the committee had other any other recommendations or changes to the proposed memo.

Judge Leavitt suggested reminding judges of possible delays and to possibly approve interpreters on a temporary basis as provisional interpreters.

After discussion, Judge Michael Westfall motioned to have Ms. Mann present the information to the Clerks of Court, the Board of District Court Judges, the Board of Juvenile Court Judges, the Board of Justice Court Judges, and the TCEs. Mr. Jones seconded the motion and the motion carried unanimously.

(3) Proposed Contract Interpreter Pay Increase

Ms. Mann presented a proposed memo to the Judicial Council outlining a rate increase for the contract court interpreters. Ms. Mann advocated that the increase was necessary because the courts need to retain interpreters as the courts address the backlog and because the interpreters are paid less than the court interpreters in surrounding states.

Ms. Mann reviewed the proposal of suggesting a permanent pay increase of 20% plus an additional temporary 5% increase as the courts address the backlog. Ms. Mann advised the interpreters are paid from the JWI fund, and that the proposed increases could be absorbed by

the JWI fund without any additional funding being necessary. The 20% increase would cost an additional \$156,152, while the temporary 5% increase would cost an extra \$39,038, for a total expected cost of \$195,190 based on FY2019 spending. Ms. Mann shared that while the 20% can be absorbed permanently by the JWI fund, it is not known if the 5% is sustainable beyond FY2022.

Mr. Jones expressed concern on how such a significant pay raise would look for underpaid court staff such as JAs. Mr. Jones proposed a 10% permanent increase and a temporary 5% increase for the contract interpreter hourly rates.

Chip Royce advised that other states are contacting interpreters to interpret in their courts. Mr. Royce shared that interpreters are informing each other on where they can be paid higher rates. Mr. Royce shared he is in favor of the 20% permanent increase plus the temporary 5% increase.

Judge Leavitt agreed with Mr. Jones that the pay of court staff is an ongoing discussion and advised he is hesitant to cause friction or to ask for a 25% increase when it's unknown if it's sustainable.

Mr. Jones asked how the courts compare against other Utah state agencies in terms of payment. Mr. Royce shared for sign language other state or city agencies pay a range of \$30 to \$100 an hour.

Ms. Mann reminded the committee that the issue with pay for court employees is how to fund it and pointed out that with the court interpreters the funding is already available to implement the hourly increase immediately. Ms. Mann shared that the 20% can be covered on a permanent basis without any other additional funding from the State Legislature or another source being necessary.

Mr. Royce motioned to approve a permanent 20% increase recommendation to the Judicial Council since the budget can sustain the additional costs. Judge Kelly Schaeffer-Bullock seconded the motion. Mr. Jones opposed due to the pay of court employees. The motion passed.

(4) Proposed Mentoring Program

Ms. Mann reminded the committee at the last meeting they discussed how to structure a mentoring program for approved Spanish interpreters, but that there were concerns on how confidentiality and ethics should be handled by mentors.

Ms. Mann shared she contacted the AOC's Education Department to ask how confidentiality is handled for the mentoring of new judges. Ms. Mann advised she spoke with Lauren Andersen, Judicial Institute Director, who shared that the new judges mentoring program does not have guidelines in place for confidentiality. Ms. Mann further shared that she contacted the State Bar to ask how confidentiality was handled for their mentoring program of new attorneys. The State Bar reported that they have a confidentiality clause form for their mentoring program. Ms. Mann asked the committee how confidentiality for the approved interpreter mentoring program should be handled in light of this information.

Mr. Royce suggested reframing it from a duty to report for the mentor to a teaching moment for the mentee.

Judge Leavitt asked if there's not a responsibility though to guide a mentor if they encounter this issue.

Judge Westfall asked if he could see the confidentiality clause from the State Bar's mentoring program.

Mr. Jones suggested adding a professional conduct requirement just to cover the possibility of a case where a mentor or mentee doesn't act appropriately when meeting with their mentee or mentor.

Mr. Royce motioned to table the discussion so that Ms. Mann can ask for the confidentiality clause from the State Bar for the committee to review at their next meeting. Mr. Jones seconded the motion and the motion passed unanimously.

(5) Committee Members

Ms. Mann informed the committee of two open vacancies on the committee that must be filled by a certified court interpreter and a Clerk of Court. The committee went off the record to discuss the candidates who expressed an interest in serving on the committee.

(6) 2022 Proposed Meeting Dates

Ms. Mann proposed the following 2022 meeting dates for the committee; keep with the current schedule of meeting on the third Friday of every other month.

- January 14, 2022
- March 18, 2022
- May 20, 2022
- July 15, 2022
- September 16, 2022
- November 18, 2022

Ms. Burrows motioned to approve the proposed 2022 meeting dates. Judge Kelly Schaeffer-Bullock seconded the motion and the motion passed unanimously.

(7) Adjourn

There being no further business, the meeting adjourned at 1:10 pm.

Tab 2



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

July 21, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Certified, Approved, Registered, and Conditionally-Approved Court Interpreters; Interpreter Coordinators; and TCEs

FROM: Kara J. Mann

RE: Rate Increase for Contract Court Interpreters

At the recommendation of the Language Access Committee, the Judicial Council has recently approved a 20% rate increase across the board for contract spoken language court interpreters. The new hourly rates will be:

Credential	New Contract Rate
Certified	\$47.76
Approved	\$40.93
Registered	\$40.93
Conditionally-Approved	\$22.28

Furthermore, for the next few months, as the courts address the backlog created by the COVID-19 pandemic, the Judicial Council approved an additional bonus rate varying between 5.62% - .19%, depending on the credentialing. This is in recognition of the essential role court interpreters provide in the judicial process as the courts reopen. **This rate will only be in effect through June 30, 2022.** The temporary hourly rates through June 30, 2022 will be:

Credential	Temporary Contract Rate
Certified	\$50
Approved	\$41
Registered	\$41
Conditionally-Approved	\$23

The mission of the Utah judiciary is to provide an open, fair, efficient, and independent system for the advancement of justice under the law.

The temporary higher rates will go into effect for work completed on July 26, 2021 through June 30, 2022. On July 1, 2022, the hourly rates will revert to the permanent rates set out in the first chart above.

The new and temporary contract rates do not impact the rates set by Justice Courts. Justice Courts are funded through the town, cities, or counties where they are located. All other courts in Utah are funded through the State Legislature. Because of how they are funded, each Justice Court will continue to set its pay rates for court interpreters.

Tab 3

Court Interpreting Mentoring Program

The mentoring program has a two pronged goal for approved Spanish interpreters: (1) providing feedback on their interpreting skills for the three modes of court interpreting, and (2) preparing for the Oral Proficiency Exam.

Recognizing that interpreters may know each other personally, mentors and mentees will have the ability to request who they are partnered with.

Certified Spanish Interpreters Participation Outline

Certified interpreters who volunteer to participate as mentors will be eligible for a minimum of four continuing education hours each reporting period and can apply for two additional continuing education hours depending on the time spent meeting with their mentee. Six hours is the maximum amount of time granted for CEUs, even if you meet with your mentee for any additional hours.

Lessons on the following page are provided as a template, although the mentor can create their own schedule or lessons as long as two hours are spent on feedback and discussion regarding their mentee's court interpreting skills and two hours are spent on preparing their mentee for the Oral Proficiency Exam.

Certified Spanish interpreters willing to mentor must agree to:

- Meet with their mentee for a minimum of four hours over two months.
 - Meetings can occur in-person or by video
 - Meetings can exceed the two month minimum.
 - Mentors can apply for two additional CEU hours if they meet with their mentees for six or more hours.
- Provide constructive feedback on the mentee's court interpreting skills
 - Mentors must monitor their mentee actively interpreting twice on separate days.
- Discuss the Oral Proficiency Exam and provide insight and tips without divulging the actual exam's contents
- Practice and provide constructive feedback on their mentee's skill and proficiency with each mode of court interpreting.
- Share any relevant interpreting resources with their mentee
- Sign an agreement form
- Complete a tracking form in order to receive continuing education hours

Approved Spanish interpreters Participation Outline

The mentoring program is geared towards supporting approved Spanish court interpreters specifically.

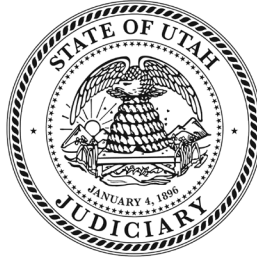
Approved Spanish interpreters must be agree to:

- Meet with the mentor at least four hours over a minimum of two months and a maximum of four months
 - Meetings can occur in-person or by video
- Have their mentor monitor them actively interpreting in a court setting
- Receive constructive feedback regarding their court interpreting skills

- Study with their mentor to prepare for the Oral Proficiency Exam.
- Sign an agreement form
- Sign a tracking form for their mentor to receive continuing education hours

Suggested Lessons

- Meeting 1: Discuss the three modes of court interpreting
Practice each mode of interpreting (exercises for each mode of interpreting provided by the AOC)
Discuss suggested improvements based on the exercises
- Meeting 2: Discuss the mentee's court interpreting assignments monitored by the mentor
Discuss suggested improvements
Discuss interpreting resources
Discuss the Code of Professional Responsibility for Court Interpreters
- Meeting 3: Discuss an overview of the Oral Proficiency Exam
Discuss tips for the Oral Proficiency Exam
Discuss lessons learned by the Mentor
- Meeting 4: Complete a practice Oral Proficiency Exam (provided by the AOC)
Score exam
Discuss suggested improvements



Utah State Courts Court Interpreter Mentoring Program Agreement

Please read carefully and sign below.

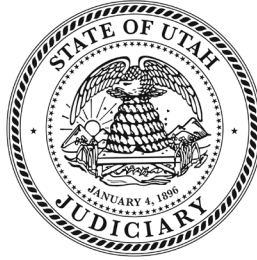
I, _____, am interested in having a Certified Spanish interpreter act as a mentor to me. I agree to:

- meet with the mentor for four hours over a period of two to four months, either in-person or by video.
- have the mentor observe me actively interpreting in two separate court proceedings.
- have the mentor provide me with constructive feedback regarding my interpreting skills in each mode of court interpreting.
- discuss the Oral Proficiency Exam with the mentor.
- **conduct all meetings with the mentor in a professional manner.**

Dated this _____ day of _____, _____.

Signature of Interpreter

Printed Name of Interpreter



Utah State Courts Court Interpreter Mentoring Program Agreement

Please read carefully and sign below.

I, _____, am interested in acting as a mentor to an Approved Spanish interpreter. I agree to:

- meet with the mentee for four hours over a period of two to four months, either in-person or by video.
- observe the mentee interpreting in two separate court proceedings.
- provide the mentee with constructive feedback regarding their interpreting skills in each mode of court interpreting.
- discuss the Oral Proficiency Exam and provide insight and tips with the mentee.
- share interpreting resources with the mentee.
- **conduct all meetings with the mentee in a professional manner.**

Dated this _____ day of _____, _____.

Signature of Interpreter

Printed Name of Interpreter



UTAH STATE COURTS COURT INTERPRETER MENTORING PROGRAM

Section I. INFORMATION		
MENTOR'S NAME:		
MENTEE'S NAME		
Section II. MEETINGS		
Mentors must provide two hours on court interpreting skills and two hours on preparing for the Oral Proficiency Exam		
Date of Meeting	Topics	# of Hours
Section III. DECLARATION		
<i>I declare under penalty of perjury under the laws of the State of Utah that the information provided above is true and correct.</i>		
SIGNED: (Mentor)		DATE:
SIGNED: (Mentee)		DATE:

This form must be completed and turned in to the Language Access Program by the mentor in order to receive continuing education credit.

Tab 4

Requirements for All Levels of Credentialing

	Online Application	BCI Check	English Written Exam (\$25 fee)	2 Day Orientation (\$100 Fee)	Code of Professional Responsibility for Court Interpreters Test	10 Hours of Observation	Oral Proficiency Interview (Language Testing International) (\$139 fee)	3 Day Skills-Building Class (\$150 fee)	2 Day Exam Prep Class (fee included)	Oral Proficiency Exam (\$200 fee)
Conditionally Approved	✓	✓								
Registered	✓	✓	✓	✓	✓	✓				
Approved	✓	✓	✓	✓	✓	✓	✓			
Certified	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

The 10 hours of in-court observation can be completed at any point during the process. All other requirements must be completed in the order they are listed.

All requirements, except for the English Written Exam and the Oral Exam, are completed remotely due to the COVID-19 pandemic.

Rule 3-306.03. Interpreter credentialing.

Intent:

To outline the procedure for credentialing of interpreters for legal proceedings.

Applicability:

This rule shall apply to legal proceedings in the courts of record and not of record. This rule shall apply to interpretation for non-English speaking people and not to interpretation for persons with a hearing impairment, which is governed by Utah and federal statutes.

Statement of the Rule:

(1) Subject to the availability of funding, and in consultation with the committee, the administrative office of the courts shall establish programs to certify and approve interpreters in English and the non-English languages most frequently needed in the courts. The administrative office shall publish a roster of certified, approved, and registered interpreters. To be certified, approved or registered, an applicant shall:

(1)(A) file an application form approved by the administrative office;

(1)(B) pay a fee established by the Judicial Council;

(1)(C) pass a background check;

(1)(D) provide proof that the applicant is a Utah resident;

(1)(E) complete training as required by the administrative office;

(1)(F) obtain a passing score on the court interpreter's test(s) as required by the administrative office;

(1)(G) complete 10 hours observing a certified interpreter in a legal proceeding; and

(1)(H) take and subscribe the following oath or affirmation: "I will make a true and impartial interpretation using my best skills and judgment in accordance with the Code of Professional Responsibility."

(2) A person who is certified in good standing by the federal courts or by a state having a certification program that is equivalent to the program established under this rule may be certified without complying with paragraphs (1)(A) through (1)(H), with the exception of paragraph (1)(C), but shall pass an ethics examination and otherwise meet the requirements of this rule.

(3) A person credentialed under this rule has an ongoing obligation to immediately report to the program coordinator any criminal charges or convictions the interpreter has and any Utah State Court cases the interpreter is personally involved in as a party.

(4) When the interpreter speaks a rare language and the courts currently lack credentialed interpreters in that language, the Language Access Committee may, for good cause shown, exempt an interpreter from meeting one or both of the requirements listed in subparagraph (1)(B) and (1)(F). An interpreter seeking an exemption shall make a written request, outlining the reasons for the exemption, to the Language Access Program Coordinator. The Language Access Committee shall consider the request at its next meeting following the request, and may require the interpreter making the request to appear at the meeting or to provide more information.

(5) If an exemption is granted, the interpreter shall meet the conditions set by the committee and shall apply for an extension of the exemption annually, or as otherwise required by the committee.

(6) No later than December 31 of each even-numbered calendar year, certified, approved, and registered interpreters shall pass the background check for applicants, and certified interpreters shall complete at least 16 hours of continuing education approved by the administrative office of the courts.

(7) With the exception of staff interpreters who are employees of the courts, court interpreters, including those listed on the statewide roster, are independent contractors.

Effective May 1, 2016